

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Claims 1, 7 and 9 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-3, 6-7, 9, and 14-15 are now pending in this application.

In paragraph 5 of the Office Action, the drawings were objected to because Fig. 2 contained bulleted text which is not necessary for the illustration of a state chart. In accordance with the Examiner's request, the bulleted text has been removed. A proposed drawing containing a revised Figure 2 is enclosed with the present reply to the Office Action. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

In paragraph 6 of the Office Action, the drawings were objected to because Figs. 1 and 4 contain Rockwell Collins text, which is not necessary for the illustration of the present invention. In accordance with the Examiner's request, the Rockwell Collins text has been removed. Proposed corrected drawings including revised Figs. 1 and 4 not including Rockwell Collins text are enclosed with the present reply to the Office Action. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

In paragraph 7 and 8 of the Office Action, the Examiner objected to paragraphs in the specification based on informalities. The paragraphs have been amended to correct the informalities in accordance with the suggestions made by the Examiner. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

In paragraph 10 of the Office Action, Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner stated that Claim 9 depends on the cancelled claim 8. Claim 9 has been amended to depend from Claim 7. Reconsideration and withdrawal of the rejection of Claim 9 under 35 U.S.C. §112, second paragraph is respectfully requested.

In paragraph 12 of the Office Action, Claims 1-3, 7, and 9 were rejected under 35 U.S.C. §101. The Examiner recommended that Claims 1 and 7 be amended to recite that the claimed state chart be stored as computer executable on a computer readable medium. Claim 1 has been amended to recite “a statechart stored on a computer readable medium”. Claim 7 has been amended to recite “a modified Harel statechart formed on a computer”. Claims 2, 3 and 6 have been amended to conform with the preamble for Claim 1. Claim 9 has been amended to conform with the preamble for Claim 7. Claims 2, 3 and 6 depend from Claim 1 and include all of the limitations therein. Claim 9 depends from Claim 7 and includes all of the limitations therein. Accordingly, Claims 2, 3 and 7 also include statutory subject matter. Reconsideration and withdrawal of the rejection of Claims 1-3, 7, and 9 under 35 U.S.C. §101 is respectfully requested.

In paragraph 16 of the Office Action, the Examiner rejected Claims 1-3, 7, 9, and 14-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,187,788 issued to Marmelstein (herein after Marmelstein). With reference to Claim 14, the Examiner cited Marmelstein as reciting that “the order of the state designates the order within a given level of nesting at which the state occurs. A recursive routine represented as block 2000 (slide 6 of Fig. 20) is then called via block 2001 in order to assign an order/level to each state associated with the APEX operations object.” The Examiner cited the above as anticipating parallel states being ordered with respect to each other, the parallel states being ordered so that only one of the parallel states is active in response to a particular event. With reference to Claims 1 and 7, the

Examiner stated that these claims are statechart versions or modified Harel statechart versions of the method of Claim 14. These rejections are respectfully traversed.

Independent Claims 1, 7 and 14 recite parallel states. As stated in the specification, “when parallel states 54 52 are active, one of substate 56 or 66 and one of substate 58 or 56 is active.” (Specification, Page 9, 2<sup>nd</sup> Paragraph) Accordingly, a parallel state includes multiple substates that are simultaneously active.

In contrast, Marmelstein does not teach parallel states. Marmelstein describes “the recursive routine depicted in slide 6, Fig. 20, entered via block 2001 is past A state; this routine process the state it is past. The first time it is called, it is past the initial state in the operation; after this the state it gets past is the state currently set before slide 6 is called again.” (Marmelstein, Col. 13, lines 55-60) As described, the states in Marmelstein are active serially and not in parallel. Accordingly, Marmelstein does not teach or suggest parallel states being ordered with respect to each other, the parallel states being ordered so that only one of the parallel states is active in response to a particular event. Marmelstein does not teach or suggest each and every element of independent claim 14. Accordingly, reconsideration and withdrawal of the rejection of Claims 1, 7 and 14 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 2-3 depend from Claim 1 and include all of the limitations thereof. Claim 9 depends from Claim 9 and includes all of the limitations thereof. Claims 15 depends from Claim 14 and includes all of the limitations thereof. These claims are allowable for at least the reasons cited above with reference to Claims 1, 7 and 14. Accordingly, reconsideration and withdrawal of the rejection of Claims 2-3, 9 and 14 under 35 U.S.C. § 102(b) is respectfully requested.

In paragraph 18 of the Office Action, Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Marmelstein in view of U.S. Patent No. 5,541,863 to Magor (hereinafter Magor). This rejection is respectfully traversed.

Claim 6 depends from Claim 1 and includes all of the limitations thereof. Magor does not cure the deficiencies described above with reference to Claim 1 and Marmelstein. Accordingly, Marmelstein, alone, or in combination with Magor, does not teach or suggest all of the limitation in Claim 6. Reconsideration and withdrawal of the rejection of Claim 6 under 35 U.S.C. §103(a) is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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